IN THE HIGH COURT OF JUDICATUE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Second Appeal No.428/2007 and 429/2007.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Courts or Judge's Orders.

CORAM : Smt. Vasanti A. Naik, J.
Dated : 12/09/2007

Since, these second appeals arise out of the common judgment passed by the first Appellate Court, they are being heard together for admission and are disposed of by this Common order.

The appeal preferred by the plaintiff-wife against judgment passed by the first Appellate Court whereby the appeal filed by the defendant-husband was allowed and the appeal filed by the plaintiff was dismissed.

The appellant is the original plaintiff. A suit was filed against the defendant for recovery of her Shreedhan property or for grant of decree of Rs.1,60,000/- in lieu of the Shreedhan property.

The defendant denied the claim of the plaintiff and pleaded that the ornaments belonging to the plaintiff-wife were already returned to her. Therefore, there was no question of returning Shreedhan property to the plaintiff or decreeing her claim for an amount of Rs.1,60,000/-.

The appeal filed by the defendant-husband against grant of decree to the tune of Rs.23,500/- was allowed and the appeal filed by the plaintiff-wife claiming decree for the balance amount was dismissed.

The parties tendered their evidence and the trial Court allowed the claim of the plaintiff to the extent of Rs.23,500/-. The first Appellate Court re-appreciated the material evidence on record and held that the plaintiff had failed to prove that the defendant was in possession of her Shreedhan property. The first Appellate Court held that there was nothing on record except the bare word of the plaintiff to show that the defendant was in possession of her Shreedhan property.

The findings recorded by the first appellate court are pure findings of fact, which do not give rise to any substantial questions of law.

The second appeals are dismissed with no order as to costs.

JUDGE

JSA.